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12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 THE BOARD OF TRUSTEES, in their
16 capacities as Trustees of the LABORERS
17 HEALTH AND WELFARE TRUST FUND
18 FOR NORTHERN CALIFORNIA;
19 LABORERS VACATION-HOLIDAY TRUST
20 FUND FOR NORTHERN CALIFORNIA;
21 LABORERS PENSION TRUST FUND FOR
22 NORTHERN CALIFORNIA; and LABORERS
23 TRAINING AND RETRAINING TRUST
24 FUND FOR NORTHERN CALIFORNIA,

25 Plaintiffs,

26 v.

27 LINEATION MARKINGS CORPORATION, a
28 California Corporation,

Defendant.

No. C14-00575 (WHO)

**EX PARTE APPLICATION FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;
ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT, LINEATION MARKINGS
CORPORATION, a California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case Management Conference, which was set for December 9, 2014 at 2:00 pm be reset for ninety days to allow Plaintiffs to file and serve a First Amended Complaint.

1 Plaintiffs filed the Complaint seeking an audit and unpaid contributions on February 6,
 2 2014. Defendant was served on March 5, 2014, for which proofs of service were filed with this
 3 Court on March 14, 2014. Defendant has not filed an Answer or other responsive pleading in this
 4 matter.

5 Plaintiffs and Defendant had scheduled an audit of the Defendant's books and records for
 6 April 10, 2014. Thereafter, the Defendant requested that the audit be rescheduled on various
 7 occasions. The audit was finalized in late October 2014, as Defendant continued to provide
 8 information that was missing from the audit. Plaintiffs attempted to resolve the matter with
 9 Defendant once the audit was concluded, but have had no response from Defendant. Accordingly,
 10 Plaintiffs request that the Case Management Conference be continued for ninety days in order to
 11 allow Plaintiffs to file and serve an amended complaint.

12 The above stated facts are set forth in the accompanying Declaration of Concepción E.
 13 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
 14 filed herewith.

15
 16 Dated: December 3, 2014

WEINBERG, ROGER & ROSENFELD
 A Professional Corporation

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 18 By: /s/ Concepción E. Lozano-Batista
 CONCEPCION E. LOZANO-BATISTA
 Attorneys for Plaintiffs

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~~PROPOSED~~ ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Based upon the foregoing Ex Parte Application for Continuance of Case Management Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference, the Court orders a continuance of the Case Management Conference for 90 days to March 3, 2015 at 2:00 p.m.

Dated: December 8, 2014



HONORABLE WILLIAM H. ORRICK
United States Magistrate Judge